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Written statement* submitted by the Korean Assembly for Reunion of Ten-million Separated Families, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Separated Families

Exellencies, Sirs and Madams,

The Korean Assembly for Reunion of Ten-million Separated Families (KARTS), a Republic of Korea NGO in consultative status with UNECOSOC (Special Status) since 2012 speaking for the millions of native North Koreans living in South Korea separated from their families in the other side of Korea across the Korean War DMZ, requests that the Human Rights Council (HRC) of the United Nations urgently address the humanitarian agonies of separated families on the Korean peninsula in particular, and across the world as well, as a pressing case of human rights violations and consider measures as appropriate to remedy the situation as soon as possible.

Talks that began to be held in 1971 between the two Korean Red Cross societies, the Republic of Korea National Red Cross (ROKNRC) and the North Korean Red Cross (NKRC), on the issue of separated Korean families remain as yet fruitless after 150 some futile rounds of talks over a span of 46 years as the North Korean side has obstinately held fast to the position that the supposedly humanitarian Red Cross talks be devoted to political matters at the expense of the issue of separated families. The two sides in the talks did indeed reach an agreement on a five-point agenda for the full-dress rounds of talks that began to be held in 1972 that included 1) ascertainment, and notification of the outcome thereof, of the separated families being traced, 2) exchange of mails, 3) meetings, 4) mutual visits followed by 5) ultimate reunification as a family. However, the talks are now derailed by the North Korean side as it has persisted in demanding that, as a 'precondition,' South Korea abrogate its certain laws, disband its certain organizations and undo its certain policies that it deemed antagonistic to North Korea. As a result, the two sides in the inter-Korean talks have yet to begin talking about how to implement Item 1 of the agenda.

It was as a 'pilot program' that the two sides began, in 2000, to organize, through good offices of the Red Cross societies of the two sides, 'reunions' among separated families of the two sides, allowing a select number, around 100, each of separated families to meet for three daylight days at a heavily militarily guarded spot in North Korea. The outcome of the 'pilot program,' too, is dismal, however, because of North Korea's failure to be cooperative. While, in the case of South Korea, altogether 130 thousand families have applied for participation in the program, merely 2,000 families or so have turned out to be beneficiaries as a total of 20 rounds of 'reunion' have taken place so far over a period of 16 years. In the meantime, half of the total applicants have already died of old ages without the luck of becoming beneficiaries of the "family reunion." With an average of 4,000, or more, of the applicants dying annually of old ages, all of the surviving applicants" are expected to be deceased in 15 years by 2031, allowing a meager number of 2,000, or more, to be lucky enough to be beneficiaries of the 'reunion' while alive.

It is therefore beyond dispute that the Red Cross-arranged inter-Korean family 'reunion' as such is by no means supposed to qualify as a means to bring relief to the agonies of the separated Korean families. The KARTS is strongly of the belief that, if we were to be genuinely committed to the goal of resolving the issue of separated families, we must bring the entire issue back to the square one and pursue different tracks for its resolution more as a human rights, than merely as a humanitarian, issue as mandated by such international statutes as the Universal Declaration of Human Rights (UDHR) of 1948 and the Guiding Principles on Internal Displacement (GPID) of 1998, among others.

It is in this context that the KARTS today requests the HRC and the Office of High Commissioner for Human Rights (OHCHR) to urgently consider the issue of separated families during its forthcoming 31st Regular Session to the effect that the issue of separated families of the Korean peninsula in particular, and worldwide as well, be designated as one of the Council's "thematic mandates" complete with the appointment of a "mandate holder' to be independently in charge of the matter.

In addition, we would like to be remind you that, as more than 80% of the surviving applicants for the 'family reunion' are now in their advanced ages of 80 and beyond, practically with a slim chance at all to have a chance to be reunited with their separated families, they are by far more eager looking for an opportunity to visit their hometowns in the other side of Korea to discharge themselves of the traditional filial obligation of paying homage at their ancestral grave-sites while still alive in an exercise of the "right of access to the grave-sites of their relatives" guaranteed under Principle 16 ④ of the GPID of 1998.

It was in this context that, last year, the KARTS launched a campaign to organize native North Korean separated families in South Korea of ages 80 and beyond into "teams of grave visitors" and send them to North Korea at least at the interval of one team every month. The projected "grave-visiting trips" to North Korea by the senior separated families in the South of ages of 80 and beyond failed to be launched in 2015 because North Korea did not give its permission for them to enter North Korea. However, it remains an unchanged goal of the KARTS to push the project ahead in the days ahead.

With these developments in the backdrop, the KARTS writes to the HRC today to ask to include the question of separated families of the Korean peninsula in particular, and of the world at large, in its agenda for the 31st Regular Session and consider measures as follows:

1) Invoke the special procedures provisions of the HRC Resolution 5/1 to designate the issue of separated families of the Korean peninsula in particular, and of the world at large, as yet another "thematic mandate" of the Council and appoint an independent "mandate holder" to be in charge of the task of dealing with the new mandate.

2) Recognize native North Korean separated families in the Republic of Korea as IDPs under the GPID of 1998 and consider their problems as separated families within the framework of IDPs as defined by the GPID of 1998. [Whereas the 1951 Refugee Convention and the GPID of 1998 determine the status of refugees and IDPs based on whether they have crossed national boundaries, the bulk of native North Korean separated families in the Republic of Korea are legitimately IDPs because they have never crossed national boundaries. What the first wave, estimated to have been 3.5 million, of native North Koreans crossed between 1945 and 1948 was the 38th Parallel which was as yet merely a line of military partition of the peninsula and the second wave of about 1.5 million native North Koreans who fled from the North in late 1950 during the initial phase of the Korean War merely followed UNC troops then on a general retreat from the North Korean soil that they had held for a short period of time prior to the massive entry into the war by the Chinese "volunteers." Besides, in the preamble of the "Inter-Korean Agreement on Reconciliation, Non-aggression, Exchange and Cooperation" of 1992 that the two Koreas adopted in the immediate wake of the separate entries into the UN by the two Koreas, the two Koreas denied the existence of a national borderline between them by declaring that the relationship between the two sides was "not one between states but a transitional one of extraordinary nature en route to unification."

3) Request the North Korean authorities to assist the North Korean Red Cross society to have the fate and whereabouts of all of the separated families in that part of Korea being traced ascertained, and the outcome thereof notified, as proposed by the government of the Republic of Korea.

4) Ask the North Korean authorities to give permission to the projected "teams of grave visitors" from the South comprising native North Korean IDPs of advanced ages of 80 or more to exercise their "right of access" to the grave-sites of their ancestors as guaranteed under Principle 16 ④ of the GPID of 1998.

Excellencies, Sirs and Madams,

We of the KARTS will be immeasurably obliged if you will kindly pay your attention to the issue of separated families of the world at large and of the Korean peninsula in particular. As a footnote, I am inviting your attention to a parallel event that the KARTS is holding at 1 p.m., Wednesday March 16, 2016, on the issue of separated Korean families in one of the conference rooms in Palaix de Nations at UN Office in Geneva. We sincerely hope that we will be honored with your attendance.